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July 2, 20019

Honorable Colleen McMahon
Chief, United States District Judge
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: **United States v. Lawrence Newkirk**
Docket No.: 18 Cr. 699 (CM)

SENTENCING MEMORANDUM

Dear Chief Judge McMahon:

Lawrence Newkirk is scheduled to be sentenced by this Court on Wednesday, July 10, 2019, at 3:15 p.m. I am submitting this letter along with the attached letters from Lawrence himself and his mother, Essie Baker, to assist the Court in making the decision as to the appropriate sentence.

Lawrence Newkirk was arrested in the Bronx on June 6, 2018, and charged in a Complaint with possession of crack cocaine and a loaded weapon. At the time of his arrest, he made a full confession, taking responsibility for his conduct. He did so “officially” in this Court by pleading guilty to an Information which charged him with a 924(c) violation before a United States Magistrate on September 28, 2018. It should be noted that Lawrence waived the right to be indicted and, indeed, plead guilty prior to the defense receiving any discovery. From the moment he was taken into custody, he began the process of taking responsibility for himself and trying to start the process of his rehabilitation.

This is not meant to excuse or minimize his conduct in any way. As he explains to the Court in his letter, and is also explained in the loving, but honest letter submitted by his mother, he has made some very bad choices in his life. Thankfully none of them has resulted in direct physical harm to any specific victim (this is NOT meant to deny the physical harm caused by drugs which Lawrence was involved in selling). In many conversations that I have had with Lawrence since we began working together, he has been thoughtful in trying to understand how he came to make those choices, in an effort to envision a future for him as a law-abiding and productive member of the community. He has never complained about the reality that he will be serving a substantial prison sentence; rather thinking about how he can use his time most effectively.

Hon. Colleen McMahon

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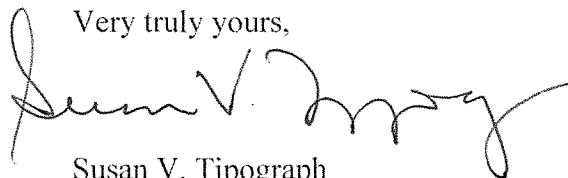
As the PSR notes, in the year that he has been jailed at the MDC Brooklyn, he has incurred no disciplinary charges. As the Court may recognize, it is a facility which has many gangs and "crews" housed and there are many disciplinary issues. I have found that it often takes a very self-conscious effort to avoid problems which Lawrence has clearly done. He has read constantly and, in fact, I have sent him 10+ books which he has devoured. Even during the horror show that MDC became during the week in January and February of this year when the facility lacked heat or power, Lawrence never complained, trying to make the best of a bad situation, especially for someone like him with serious medical problems which were exasperated by the conditions at the jail.

Without making excuses, it is not hard to understand how Lawrence got to this point in his life. He grew up without a father active in his life, in a neighborhood sadly beset with poverty, gangs and violence. He began experiencing medical problems including early-onset glaucoma (which caused Lawrence's father to go blind at an early age) which caused him to visit doctors regularly and wear thick glasses. He was an adolescent, small at 5'4", wearing funny-looking glasses, in need of services not readily available to him, in a neighborhood which put demands on an adolescent boy who found it difficult to navigate. His mother's letter lays this out very thoughtfully.

Lawrence's guidelines range is the 60-month mandatory minimum for the offense. The Probation Office recommends a 60-month sentence. The defense joins in that recommendation. Lawrence looks forward to serving his sentence in a meaningful way and living a productive and law-abiding life upon his release. He is very close to his mother and he hopes that her health will be good enough that he will be able to rejoin her once he is released. Both of them recognize that moving from where he has lived his entire life is a necessary step in order to achieve those goals.

In closing, Lawrence Newkirk and his mother thank this Court for whatever leniency you can extend to him. I believe that 60 months is a sentence that is sufficient, but not greater than necessary to achieve the goals of sentencing. I thank the Court in advance for your attention and courtesy.

Very truly yours,

A handwritten signature in black ink, appearing to read "Susan V. Tipograph". The signature is fluid and cursive, with a large initial "S" and a long, sweeping tail.

Susan V. Tipograph

ences

cc: AUSA's Jacob Warren/Allison Nichols
(by email)

To Whom It May Concern,

How are you doing? I hope all is well and that you received this letter in the best of health and strength possible in all aspects. My name is Lawrence Newkirk and I am currently incarcerated in MDC Brooklyn. I am 26 years old and I took a plea for 60 months on September 28th, 2018. The charge I took a plea for was possession of a firearm in a drug trafficking charge with intent to distribute drugs. I take full responsibility for my actions and I am truly sorry for what I did. Despite my charges I am not a bad guy I just made the wrong decisions in my life. I grew up in a tough neighborhood in the Bronx around the wrong influences. Growing up being the last child of my mother it's just been me and her for as long as I could remember. I never had any father figures in my life or anybody to teach me how to truly be a man. Everything I've ever learned in life was either from my "friends" and/or being in the streets.

A lot of these "teachings" led me to multiple arrests including this one as we speak. During my last conviction in which I served 42 months for Criminal Possession of a firearm in the 2nd Degree I achieved my GED along with a couple of trades. Upon my release I completed a program called Justice Corps in which I obtained my OSHA 10 in construction and in maintenance. Also through that program I got a job doing laundry for Montefiore. Unfortunately I had to quit due to the fact the laundry detergent along with the filth of various things that I had to deal with on certain days caused me to break out and messed with my eczema.

Even though I felt I was doing well in society and (last line of scan was cut off) in which I had since a age as early as 12 probably even younger. Due to the fact I was on Supervision Release (Parole) at the time my addiction has led me to outpatient programs such as Samaritan – Day Top Village and inpatient state program such as Edgecombe Correctional Facility. But my marijuana addiction wasn't the only reason for that. In 2018 I smoked crack cocaine for the first time. It was introduced to me by a girlfriend at the time in which she mixed it with marijuana.

Being that I liked the feeling and the effects I continued to smoke it with my marijuana which lead me to doing these drug programs and I realized I started getting in minor trouble with the law again. Like I said I've never had anybody or any male figures to tell me right from wrong except my mother which I hid my new addiction from. Since my realization of my minor run ins with the law and my weight loss at the time I ended up quitting in 2017. Like I said for as long as I could remember it's just been me and my mother. At a young age I witnessed my mother have a blood clot in her lung which resulted in her being hospitalized and have to get surgery.

It also resulted to her losing her job as a daycare worker. But despite her going through that she always made sure she was there for me as I was there for her. She tried her best to be the PTA President in every school I went to from Junior High School until High School until my incarceration where I served the 42 months. She's always been my biggest support system. I felt like I let her down with this incarceration and I feel like we equally worry about each other.

I've watched her health worsen over the years. She's done had 2 hip replacements and walks with a walker. Before this incarceration I was (last line cut off from scan) becoming her home health aid which she needs 3 days out the week. I was also the go to person while I was home who did the things she was unable to do such as food shopping, pay bills, go to the bank, go to appointments with her, etc. I am still trying to become her main caretaker and provider upon my release. I also hope to obtain more skills and trades to better myself as a person and aside from that I hope to be a mentor/counselor for the troubled youth.

I would like to be that person I was looking for as a youth to the kids and youth of this day and age so they won't make the same mistakes I've made in life. I use my time while I'm in here to elaborate the changes I want to make in life to prevent myself from coming back to places like this and maintain a positive life when I get back in society. My mother is 86 years old so I need to get myself together and get back home to her and stay home with her because she needs me more than ever. I need to protect her without having a gun and be there for her. during my time in here she witnessed my best friend get shot right in front of her.

The plan I have for her and myself is to eventually move far away from the violent neighborhood I grew up in. I hope after reading this you know that my intentions was right but my actions was wrong.

Thank you,

Lawerence Newkirk

March 3, 2019

Esie Baker

Brenx. New York

Dear Your Majesty,

It is a genuine pleasure and honor for me to provide this character reference for my son Mr. Lawrence Newkirk.

I have obviously known Lawrence for his entire life, and through my familial connection might make me slightly biased. However, I strongly believe that I am a good judge of character to be considered on his behalf.

Lawrence is a good person, who comes from a slightly broken family. That being having been raised by a single parent. And like ~~no other~~ ^{all others} Lawrence experienced the good, the bad. Some joys and some sorrows in life. But, nonetheless he is a decent person at the core.

At the young age of Five, Lawrence was diagnosed with ADHD, and has always had a problem with his eyesight that caused him to wear bifocals with a patch over one of his eyes.

Academically, Lawrence is a very bright Man. Despite of His disability, he attended regular Ed schools, and scored high in all of his subjects. However, due to him wearing bifocals, he was often bullied and picked on by his classmates. Often he came home with his glasses broke, and nose bleeds. He struggled tremendously through his adolescences. Lawrence tried hard to find ways to be accepted and prevent from being bullied. He did things like giving away his lunch money, and at times attempted to be a "class clown." We attended family counseling but that didn't help. Eventually Lawrence gave up and dropped out of school. My only regret is not finding more special services to help him better channel his issues.

After many years of longing for a relationship with his father, Lawrence finally had the opportunity to build a bond that he so longed for. However, life got in the way and sadly enough, his fathers health got bad, and he lost his eyesight. Channeling in anger, Lawrence made a few bad choices that led him to do jail time. Fortunately, while in jail, Lawrence studied hard and obtained his GED. That made me so proud! After coming home from jail, Lawrence inspired many of his friends to get their GED, he took the time to tutor them in the areas they needed the most help with. Lawrence also tutored after school at the Children's Aid Society.

I know Lawrence to be dependable, responsible and courteous. He did kind gestures like helping a few elderly women in the community upstairs with their groceries. Often made trips to and from the neighborhood Deli for them. Lawrence was also a huge help in the household. My two older children are grown and have their own responsibilities. But with my health deteriorating, Lawrence prepared meals, ran errands, attended doctors appointments with me. Yes, I have an aid who provides services. However, I need help more than eight hours a day.

Lawerence cared for me after all of my surgeries. Never missed a day when I was in a nursing home recovering, and made sure I was well cared for. Moreover, Lawerence is very involved when it comes to family. He took his little cousins to school every morning, and often picked them up from school in the afternoon. In addition to our family, Lawerence is a useful upstanding member of the community. While it is unfortunate that he has made some bad decisions, thus resulting in this case, I was very surprised to hear of his misconduct. However, I believe that as we move forward, I am confident that Lawerence will emerge to be a better person.

It is my sincere hope that this letter will be taken into consideration at the time of sentencing.

Sincerely,

Essie Baker